

From: [Garry McMahan](#)
To: [Stephen Tzhone/R6/USEPA/US@EPA](#)
Cc: [Barbara Nann/R6/USEPA/US@EPA](#); [David Parrish/R6/USEPA/US@EPA](#); [Jeff Danielson/R6/USEPA/US@EPA](#); [Jessica.White@noaa.gov](#); [David.Parmar@GLO.STATE.TX.US](#); [Robert Werner/R6/USEPA/US@EPA](#); [Nicole Hausler](#); [Linda Henry](#); [Lloyd Saunders](#)
Subject: RE: San Jacinto: Port of Houston Authority: ownership and access for future RI sampling
Date: 04/03/2009 08:54 AM

Stephen:

The PHA has no objection to EPA's testing of the property in question, but we are unable to make a definitive statement regarding PHA's ownership of the property due to many complex and currently unresolved issues. We would appreciate your sharing any test results with PHA's Environmental Affairs Department through our contact person Nicole Hausler who may be reached at 713-670-2683. Thanks very much for keeping us updated on the progress of this project.

-----Original Message-----

From: Tzhone.Stephen@epamail.epa.gov
[mailto:Tzhone.Stephen@epamail.epa.gov]
Sent: Wednesday, March 11, 2009 5:49 PM
To: Garry McMahan
Cc: Nann.Barbara@epamail.epa.gov; Parrish.David@epamail.epa.gov; Danielson.Jeff@epamail.epa.gov; Jessica.White@noaa.gov; David.Parmar@GLO.STATE.TX.US
Subject: San Jacinto: Port of Houston Authority: ownership and access for future RI sampling

-----Original Message-----

From: Tzhone.Stephen@epamail.epa.gov
[mailto:Tzhone.Stephen@epamail.epa.gov]
Sent: Wednesday, March 11, 2009 5:49 PM
To: Garry McMahan
Cc: Nann.Barbara@epamail.epa.gov; Parrish.David@epamail.epa.gov; Danielson.Jeff@epamail.epa.gov; Jessica.White@noaa.gov; David.Parmar@GLO.STATE.TX.US
Subject: San Jacinto: Port of Houston Authority: ownership and access for future RI sampling

Hi Garry,

Greetings and please feel free to discuss with your environmental team. The main items that EPA would like to share with POHA are the following:

1) The San Jacinto RI project team is currently in the development phase for the RI field sampling plan. This RI team, comprised of EPA, TCEQ, and natural resource trustees, have a target date to complete this plan by the end of April (it may be sooner than that). However, the actual sampling in the field will depend on whether this site goes PRP-lead or Fund-lead. That field sampling will most likely happen after April since the PRP identification process have not yet concluded.

2) For the RI team, David Parrish and Jeff Danielson (on cc) will be compiling all site visuals and geodatabase. Currently, we are identifying all ownership of the area within the blue perimeter (Preliminary_Perimeter03102009_HR.pdf):

(See attached file: Preliminary_Perimeter03102009_HR.pdf)

Based on information from the natural resource trustees, EPA understands that the POHA owns all submerged lands within the blue perimeter. Is that correct? If so, please confirm so that EPA may begin to parcel correct ownership areas on the map.

Also, there may be several locations outside the blue perimeter that will be part of the RI sampling event. These other locations have not yet been finalized, but once they are, EPA will confirm with POHA as to ownership as well. In either case, when all sampling locations are finalized, EPA will provide POHA with a visual that specifies where on POHA owned property will samples be taken.

3) Also, the RI team had a question about upland areas (i.e. the non-submerged/upland areas in the San Jacinto River within the blue perimeter; the barge terminal just south of the I-10 bridge; and the yellow southern impoundment perimeter). Are these owned by POHA as well? Please confirm, thanks.

4) As far as coordination for access for field sampling activities, it is my understanding that an informal (i.e. no legal agreements necessary) approach would be sufficient for POHA. This informal approach entails EPA contacting POHA at least 1 week prior to commencement of actual field sampling for all locations under POHA ownership. Is that correct?

Barbara Nann (on cc) is the site attorney and would be involved in agreeing to this arrangement or otherwise.

Stephen L. Tzhone
Superfund Remedial Project Manager
USEPA Region 6 (6SF-RA)

214.665.8409
tzhone.stephen@epa.gov

(Embe
dded
image RE: San Jacinto waste pits ownership
moved
to
file: Garry McMahan
pic21 to:
293.g Jessica.White
if) 03/11/2009
04:20 PM

Cc:
Stephen Tzhone, Jeff Danielson, David Parrish

Jessica. You have summed up the conversation succinctly. However, because of the sensitivity of the situation I want to discuss further with our environmental folks. Unfortunately, I have not been able to schedule a meeting until 2 weeks from now. How soon did you want to do the sampling? Garry

Garry McMahan
Program Coordinator - Licenses/Permits
Port of Houston Authority
713-670-2594
713-670-2427 fax
gmcghan@poha.com
www.portofhouston.com

The port delivers the goods.

CONFIDENTIAL COMMUNICATION

This message and attached materials are for the use of the addressee above and may contain confidential information. Please do not disseminate, distribute, or copy this message unless you are the addressee. If you received this message in error, please immediately notify the sender by replying to this message or by telephone at 713-670-2594. Thank you.

(Embe
dded
image San Jacinto waste pits ownership
moved
to
file: Jessica.White
pic29 to:
996.g gmcghan
if) 03/10/2009
04:18 PM

Cc:

Stephen Tzhone, Jeff Danielson, David Parrish

Hi Gary,
Just wanted to follow up from our discussion today about the San Jacinto waste pit site. As I mentioned, EPA and other agencies are currently working to develop the sampling plan for a remedial investigation of this site. As part of this effort we must identify land owners within the site boundaries and coordinate with these owners to obtain permission to sample for our investigation. Stephen Tzhone is the project manager for EPA and will be the primary POC for this coordination. I have attached a map/aerial photo of the site which depicts the perimeter of the study area. If you have any problems with this map please feel free to contact David or Jeff (cc'd on this e-mail).

Based on our discussion, it sounds like the Port of Houston Authority owns all submerged lands within our site area. Please refer to the attached map and confirm. We would also appreciate your help in identifying the adjacent property owners (if you can share the info you have available).

As far as coordination of the sampling effort goes, it was my understanding that an informal (i.e. no legal agreements necessary) approach would be sufficient. EPA should contact POHA (via Gary McMahan) at least 1 week prior to commencement of sampling to provide notification of the effort.

Gary - thank you for your help with this, and please feel free to provide corrections/additions if I was incorrect in the summary of our discussion.

Jessica
[attachment "Preliminary_Perimeter_MedRes.pdf" deleted by Stephen Tzhone/R6/USEPA/US]